

ORDINANCE NO. 317

First Reading: 02/03/03
Second Reading: 04/07/03
Public Hearing: 04/07/03
Third Reading: 05/05/03

AN ORDINANCE TO CONTROL ANIMALS IN PICKENS COUNTY; TO ESTABLISH AN ANIMAL CONTROL OFFICER AND DEFINE AUTHORITY, DUTIES AND RESPONSIBILITIES; TO PROVIDE FOR ANIMAL COMPOUNDS; TO PROVIDE FOR RABIES TAGS (STATE LAW); TO PROVIDE FOR THE SEIZURE AND IMPOUNDMENT OF ANIMALS RUNNING AT LARGE; TO DEFINE OFFENSES RELATING TO THE CUSTODY AND CARE OF ANIMALS AND PENALTIES FOR VIOLATIONS OF THE ORDINANCE; TO DEFINE OFFENSES RELATING TO THE CUSTODY AND CONTAINMENT OF VICIOUS ANIMALS AND PENALTIES FOR VIOLATIONS OF THE ORDINANCE; FOR RECOVERY OF PROPERTY DAMAGES CAUSED BY TRESPASSING ANIMALS; AND TO REPEAL ORDINANCE NO. 112 AND ITS AMENDMENTS.

BE IT ORDAINED BY PICKENS COUNTY COUNCIL:

Section 1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandonment means a situation in which an owner of a domestic animal deserts, forsakes, or gives up an animal without securing another owner or without providing for that animal the necessities of life.

Animal means one or more domestic animals of any kind and one or more domestic fowls, any species.

At large describes an animal off the property of its owner or other consenting landowner and not under restraint.

Carnivore means any animal able to kill and eat the meat from another animal.

Nuisance describes an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

Ownership means any person who:

- (1) Has a right of property in an animal;
- (2) Keeps or harbors an animal or who has it in his care or acts as its custodian; or
- (3) Permits an animal to remain on or about any premises occupied by him.

Vicious animal means any animal evidencing characteristics usually associated with an animal abnormally inclined to attack or to attempt to attack domestic animals or persons without provocation by such domestic animal or person.

Section 2. Penalty for violation of chapter.

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in Sec. 1-7 of the Pickens County Code of Ordinances.

Section 3. Animal control officer.

(a) *Powers and duties.* The animal control officer shall have the power to enforce this chapter, cooperate with the health department in quarantining animals, and carry out the duties and assume the responsibilities of this chapter. The animal control officer shall maintain such records as may be prescribed by the county administrator and as necessary to enforce the provisions of this chapter.

(b) *Commissioning as constable.*

(1) Pursuant to Section 4-9-145, South Carolina Code of Laws, 1976, as amended, the county council authorizes the commissioning of the animal control officer as a county constable.

(2) The constable shall be empowered to enforce all county ordinances and laws of the state within the geographical boundaries of the county; however, he shall place priority upon enforcement of this chapter.

(3) The constable shall obtain and keep current all training and certifications for law enforcement officers required of him by applicable law. Proof of certification shall be filed with the county administrator.

(4) The term of the constable shall be concurrent with his tenure as the animal control officer unless the county council shall by resolution sooner revoke his constabulary authority.

Section 4. Unlawful acts and public nuisances.

(a) It shall be unlawful in the county for any animal owner or other person with custody and control of any animal to allow:

(1) Such animal to run repeatedly at large off of property owned, rented or controlled by him so as to constitute a nuisance or menace to the person or property of another;

(2) Such animal to molest or threaten passersby, joggers or schoolchildren, or to chase vehicles traveling any public highway, public street or public road;

(3) Trespassing by an animal on school grounds;

(4) Barking, whining, howling or noises peculiar to other animals in an habitual manner causing an unreasonable disturbance to any citizen, not to be interpreted to restrict barking or howling of dogs while in process of a controlled and managed hunt on personal or consenting landowner's property.

(b) It shall be unlawful to allow a female dog or cat in season to roam unrestrained in any area in the county. Such dog or cat shall be confined by the owner in a building or secure enclosure, out of sight of public view, even if breeding is planned. Such animal running at large may be captured by animal control and retained at the county pound.

(c) No person shall interfere with, hinder or molest the animal control agents or other duly authorized law enforcement officers of the county in the performance of their duties.

(d) No person shall release or attempt to release without authority any animal impounded or quarantined pursuant to the animal control laws of the county.

(e) No person shall steal any positively identifiable animal.

(f) No person shall kill any animal when the owner may be identified by means of a collar bearing sufficient information or some other form of positive identification. This does not apply to the killing of an animal threatening to cause or causing personal injury or property damage as outlined in section 9(c).

Section 5. Abandoned animals.

No person shall abandon any animal in the county.

Section 6. Evidence of rabies requirements.

A valid metal rabies tag must be attached to a collar or harness and worn by dogs and cats at all times. This rabies tag must have been issued by a licensed veterinarian. Animals without tags may be picked up by the animal control officer and be taken to the animal compound for further disposition.

Section 7. Animal care.

No owner shall fail to provide his animal with sufficient food and water, proper shelter and protection from the weather, and humane care and treatment.

Section 8. Period of impoundment and disposition of animals.

(a) The county animal control officers shall pick up and impound or quarantine any animal running at large.

(b) Any animal impounded by the county that is picked up wearing identification tags and/or bearing a tattoo shall be taken to the county shelter or other designated facility and held for a minimum of ten working days. Animal Control shall attempt to notify the owner at his last known address by telephone or certified mail that they have the animal in their possession. The owner must notify the animal control officer within ten working days from the date that the owner was notified that he will pick up his animal. If the owner does not pick up the animal within ten working days of notification to the animal control officer, the animal shall become the property of the county animal shelter.

(c) Any animal impounded by the county that is picked up with no identification shall be detained for a period of five working days for redemption by its owner. If the animal is not redeemed by its owner in that period, the animal, if determined by the animal control officer to be adoptable, may be picked up by a local humane society and transferred to its facility for adoption

through its spay/neuter program. The animal control officer shall be prohibited from placing for adoption animals impounded by him.

(d) Any owners wishing to have their animal released from impoundment shall be responsible for payment of a rabies inoculation fee, if needed, and county pound fee as set from time to time. It shall be incumbent upon the owner of an impounded animal to produce or demonstrate to personnel sufficient proof of current and valid inoculation for such animal prior to the release of such animal from impoundment. Alternatively, animal control personnel may arrange for the inoculation of such animal at the expense of the owner prior to releasing the animal.

(e) The county shall not be held liable for accidents, disease or treatment of animals while confined in the county pound and shall be released of all responsibilities to new owner or former owner when a pet is adopted or disposed of humanely as specified in this section.

Section 9. Running at large; Property damage.

(a) Any person whose property, such as shrubbery, flower beds, gardens, or personal property in the yard area, has been repeatedly bothered, disturbed or defecated or urinated upon by a trespassing animal may submit a complaint to the animal control officer. If such a complaint is made, the animal control officer will notify the owner of the animal, if the owner is known, by certified mail of the complaint. If no response is received, the animal control officer may capture the trespassing animal on the complainant's private property by an humane method, i.e., by setting cage-type traps or other humane method of capture.

(b) If the owner of a trespassing animal is not known, animal control may capture such animal by the method described in subsection (a) of this section and hold in the county pound as per section 8. If the owner (if known), upon being notified by animal control after the first day of confinement, does not tender payment, the person complaining shall have the right to seek restitution for damages or losses through the magistrates' courts.

(c) Any property owner who may find an animal on his property in the act of injuring or destroying any person or domestic animal may use means necessary to protect his person or property from injury or destruction.

Section 10. Owning or keeping vicious animal.

(a) No person owning or keeping a vicious animal may permit the animal to go unconfined on his premises. A vicious animal is unconfined if the animal is not confined indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a vicious animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. This section does not apply to an animal owned by a licensed security company and on patrol in a confined area.

(b) No person owning or keeping a vicious animal may permit the animal to go beyond his premises unless the animal is safely restrained and the requirements of section 10(e) are met.

(c) No person shall:

- (1) Own, possess, keep, or train any animal with the intent that such animal shall be engaged in an exhibition of fighting or make unprovoked attacks upon human beings, domestic animals, or livestock.
 - (2) Build, make, maintain, or keep a pit owned by him or on land occupied or controlled by him, or allow a pit to be built, made, or maintained, or kept on such premises for the purpose of any exhibition of animal fighting.
 - (3) In any manner encourage, instigate, promote or assist in an exhibition of animal fighting.
 - (4) Charge admission, be an assistant, umpire or participate or be present as a spectator to any exhibition of animal fighting.
- (d) No person may possess with intent to sell, offer for sale, breed, or buy or attempt to buy a known vicious animal. This section does not apply to a person who is licensed to possess and breed an animal under classifications specified and regulated by federal authorities.
- (e) A person owning or harboring a vicious animal shall register the animal with the local law enforcement authority.
- (f) No carnivores which are both normally not domesticated and not native or indigenous to the State of South Carolina may be owned, possessed, harbored or kept in any manner in the county, except pursuant to a permit issued by the county animal control department; or pursuant to a class A, class B, or class C license issued by the United States Department of Agriculture, under 7 U.S.C. 2131-2157 and 7 CFR 2.17, 2.51, 371.2(g), authorizing operation as a breeder, dealer, exhibitor or operator of an auction sale; or as otherwise provided by state law, including but not limited to S.C. Code 1976 § 50-11-2400.
- (g) An animal shelter, a publicly owned zoological park, veterinary hospital, public laboratory, publicly owned facility for education or a facility that is operated for scientific purposes and all governmental entities shall be exempt from the requirements of section 10(f).

Section 11. Removal or impoundment of a vicious animal.

- (a) If an animal control officer has probable cause to believe that a vicious animal is being harbored or cared for in violation of sections 10(a), 10(c), 10(d), 10(e), or 10(f) of this chapter, the officer may bring a charge against the owner and petition the court having jurisdiction to order the seizure and impoundment of the vicious animal while the trial is pending.
- (b) If an animal control officer has probable cause to believe that a vicious animal is being harbored or housed in violation of section 10(b) of this chapter, the officer may bring a charge against the owner and seize and impound the vicious animal while trial is pending.
- (c) Any vicious animal owned, possessed, or maintained in violation of section 10 shall be seized and impounded by an animal control officer or other law enforcement officer assisting such officer and a charge shall be brought against the owner of said animal, pursuant to this chapter.

(d) An animal that has been determined to be a habitual nuisance (according to the definition provided in section 1) by the department of animal control may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

This ordinance shall take effect upon the date of its adoption.

Adopted upon third reading this 5th day of May, 2003.

Approved

**Ronald D. Harrison, Chairman
Pickens County Council**

Attest:

**Donna F. Owen, Clerk to Council
Pickens County**